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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,400	03/29/2001	Naishin Seki	JP919990315US1(590,048)	3587
35195 7590 06/20/2008 FERENCE & ASSOCIATES LLC 409 BROAD STREET PITTSBURGH, PA 15143				
EXAMINER OSMAN, RAMY M				
ART UNIT 2157		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

## Application No.

09/821,400

## Applicant(s)

SEKI ET AL.

## Examiner

RAMY M. OSMAN

## Art Unit

2157

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6, 8-11 and 14-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 8-11 and 14-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## **DETAILED ACTION**

### ***Status of Claims***

1. This action is responsive to amendment filed on 10/31/2007, where Applicant amended claims 1,6,10,13,16-19, and cancelled claims 5 and 12. Claims 1-4,6,8-11,14-20 are pending.

### ***Response to Arguments***

2. Applicant's arguments, filed 10/31/2007, have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Suzuki (US Patent no 5956488).

### ***Claim Rejections - 35 USC § 101***

3. Claims 6,8,9 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 6, for example, recites a "provider". Applicants specification mentions that the invention can be implemented in software. Therefore, the scope of the "provider" encompasses a software only embodiment. Software is not statutory because it is simply abstract ideas and is not directed to a process occurring as a result of executing the software on an actual physical device. For a claim like this to be statutory, an actual hardware device is required. These claims do meet this criterion and are therefore deemed non-statutory.

**See MPEP Chapter 2106.01 Section I**

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**5. Claims 1,5,6,8-10,13-19 rejected under 35 U.S.C. 103(a) as being unpatentable over Jilk et al (US Patent No 6,993,559) in view of Ali et al (US Patent No 5,896,506) in further view of Suzuki (US Patent no 5956488).**

6. In reference to independent claims 1,6,10,13 and 16-19, Jilk teaches a web page acquisition system, provider, method, computer readable memory and program of instructions, all respectively comprising:

a web page acquisition server and a user terminal, both of which are connected to a communication network, wherein said user terminal transmits to said web page acquisition server a web page acquisition request that includes various acquisition conditions (column 10 lines 55-67 and column 13 lines 39-42);

wherein said webpage acquisition server generates a web page acquisition list comprising non-overlapping web page acquisition requests from a plurality of user terminals (column 13 lines 40-49 & 60-65 and column 15 lines 30-40);

wherein, in accordance with said acquisition conditions included in said web page acquisition request received from said user terminal and at least one predetermined scheduling rule, said web page acquisition server acquires a web page source from a web server on said communication network and transmits said web page source to said user terminal (column 13 lines 40-55); and

Although Jilk teaches a proxy server, Jilk fails to explicitly teach the proxy server to perform: wherein said web page source is formed into a library file that, in accordance with said web page acquisition request, is obtained and held in said web page acquisition server, and is transmitted to said user terminal. However, Ali discloses an archive object that is sent from an archive object server (i.e. web server) to a cache server (i.e. acquisition server), is archived in the cache server and is transmitted to a client (Ali, column 8 lines 27-35 and column 8 line 64 – column 9 line 15). It would have been obvious for one of ordinary skill in the art to modify the proxy server of Jilk to wherein said web page source is formed into a library file that, in accordance with said web page acquisition request, is obtained and held in said web page acquisition server, and is transmitted to said user terminal as per the teachings of Ali for the purpose of facilitating transfer of web media data to users.

Jilk and Ali fail to explicitly teach the amended limitation of:  
wherein when said web page acquisition server receives from the plurality of user terminals a plurality of web page acquisition requests for the same page, said web page acquisition server obtains and archives, utilizing a single request to a web server and according to the integrated list, a corresponding web page source for said plurality of requests such that a web page must be requested and obtained only once for the plurality of user terminals, and transmits said web page source to said user terminals that issued said web page acquisition requests. However, Suzuki discloses combining a plurality of requests issued by different terminals for a particular content into a single unified request for that content, so that the content can be obtained by a single access thus reducing the amount of overhead involved if each of the requests were sent separately (Suzuki, Abstract). It thus would have been obvious for one of ordinary skill in the art

to modify Jilk and Ali to teach this limitation as per the teachings of Suzuki for the purpose of reducing the amount of overhead involved if each of the requests were sent separately.

7. In reference to claim 9, Jilk in view of Ali teach the provider according to claim 6, wherein said transmission control unit changes a link for said web page source held by said web page acquisition/archiving unit from an absolute link based on the URL of a web page source, into a relative link (column 14 lines 35-67).

8. In reference to claim 14, Jilk in view of Ali teach the method according to claim 13, wherein said step for issuing said web page transmission request includes a step of: issuing, upon the receipt of a notification indicating that a web page has been acquired by said provider, said web page transmission request to said provider, regardless of the time condition that is included in said web page acquisition conditions (column 13 line 40 – column 14 line 10).

9. In reference to claim 15, Jilk in view of Ali teach the method according to claim 13, wherein said step of receiving said web page source, is in the form of a library file (Ali discloses archive objects, column 8 lines 27-35 and column 8 line 64 – column 9 line 15).

**10. Claims 2-4,8,11,12,20 rejected under 35 U.S.C. 103(a) as being unpatentable over Jilk et al (US Patent No 6,993,559) in view of Ali et al (US Patent No 6,772,193) in further view of Suzuki (US Patent no 5956488) in further view of Peterson et al (US Patent No 6,594,682).**

11. In reference to claims 2 and 11, Jilk in view of Ali teach the web page acquisition service system and method according to claims 1 and 13:

wherein, as one of said acquisition conditions included in said web page acquisition request, a time condition for the acquisition of a web page source; and wherein, in accordance with said time condition designated in said web page acquisition request, said web page acquisition server acquires said web page source and transmits said web page source to said user terminal (column 12 lines 17-25).

Jilk fails to explicitly teach wherein said user terminal designates the time condition. However, Peterson discloses a system for scheduling the delivery of web content to a user wherein a user inputs scheduling requirements into a web content request (column 8 line 54 – column 9 line 7). It would have been obvious for one of ordinary skill in the art to modify Jilk wherein said user terminal designates the time condition for web page acquisition for the purpose of facilitating the downloading of web content to a users terminal.

12. In reference to claims 3,4, Jilk in view of Ali teach the web page acquisition service system and method according to claim 2. Jilk fails to explicitly teach wherein said web page acquisition server performs scheduling for the acquisition of a web page source, while taking into account said time condition that is designated in said web page acquisition request and a volume of the communication traffic carried by said communication network. However, Peterson discloses scheduling data delivery based on time and traffic conditions (column 9 lines 1-15). It would have been obvious for one of ordinary skill in the art to modify Jilk wherein said web page acquisition server performs scheduling for the acquisition of a web page source, while taking into account said time condition that is designated in said web page acquisition request and a volume of the communication traffic carried by said communication network as per the

teachings of Peterson for the purpose of facilitating the downloading of web content to a users terminal.

13. In reference to claim 8, Jilk in view of Ali teach the provider according to claim 6. Jilk fails to explicitly teach wherein when a limitation is placed on the size of a data file that said user terminal, which is a web page source transmission destination, can receive as a single transmission, said transmission control unit divides, into segments having an appropriate size for said user terminal, said web page source that is held in said web page acquisition/archiving unit, and forms said segments into library files. However, this is disclosed by Peterson (column 9 lines 1-15 and column 12 lines 33-60). See above mentioned motivation.

14. In reference to claim 20, Jilk teaches the web page acquisition service according to claim 1. Jilk fails to explicitly teach wherein, said at least one predetermined scheduling rule comprises the acquisition of a web page source occurring during a time period during which a volume of communication is small. However, Peterson discloses scheduling data delivery based on time and periods of low traffic conditions (column 9 lines 1-15). See above motivation.

### ***Conclusion***

15. The above rejections are based upon the broadest reasonable interpretation of the claims. Applicant is advised that the specified citations of the relied upon prior art, in the above rejections, are only representative of the teachings of the prior art, and that any other supportive sections within the entirety of the reference (including any figures, incorporation by references, claims and/or priority documents) is implied as being applied to teach the scope of the claims.

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached Form 892.



Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAMY M. OSMAN whose telephone number is (571)272-4008. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ramy M Osman/  
Primary Examiner, Art Unit 2157  
June 13, 2008